

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
Courtroom 1539 Calendar**

Thursday, November 18, 2021

Hearing Room 1539

10:00 AM
2:00-00000

Chapter 0

#0.00 All hearings scheduled for today are now simultaneously 1) In person in Courtroom 1539; 2) Via ZoomGov Video; 3) Via ZoomGov Audio. Parties are free to choose any of these options, unless otherwise ordered by the Court. Parties electing to appear in person shall comply with all requirements regarding social distancing, use of face masks, etc. which will be in effect at the time of the hearing and should be aware that (1) all parties will be required to wear a mask at all times, even when presenting oral argument and (2) Judge Bluebond will not be wearing a mask.

Parties in interest and members of the public may connect to the video and audio feeds, free of charge, using the connection information provided below.

Individuals may participate by ZoomGov video and audio using a personal computer (equipped with camera, microphone and speaker), or a handheld mobile device (such as an iPhone or Android phone). Individuals may opt to participate by audio only using a telephone (standard telephone charges may apply).

Neither a Zoom nor a ZoomGov account is necessary to participate and no pre-registration is required **but you must still notify Chambers at [Chambers SBluebond@cacb.uscourts.gov](mailto:SBluebond@cacb.uscourts.gov) of your appearance**". The audio portion of each hearing will be recorded electronically by the Court and constitutes its official record.

For more information on appearing before Judge Bluebond by ZoomGov, please see the information on the Court's website at:

<https://www.cacb.uscourts.gov/judges/honorable-sheri-bluebond> under the tab, "Telephonic Instructions."

Hearing conducted by ZOOMGov.

Video/audio web address: <https://cacb.zoomgov.com/j/16161090855>

ZoomGov meeting number: 161 6109 0855

Password: 148508

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Telephone conference lines: 1 (669) 254 5252 or 1 (646) 828 7666
(when prompted, enter meeting number and password shown above)

Docket 0

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

- NONE LISTED -

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2:18-10353 Claudio Francisco Caringella

Chapter 7

#1.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: Caringella v. Tec of California, Inc. et al Docket Number CIVDS1829609 San Bernardino Superior Court

MOVANT: CLAUDIO FRANCISCO CARINGELLA

Docket 46

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

The problem here isn't the automatic stay. The action was commenced BY the debtor. The problem (for the debtor) is that the debtor is not the real party in interest and does not have standing to prosecute this action, which is an asset of the estate. (So there is an automatic stay issue as well under 362(a) (3). The debtor is attempting to exercise control over an asset of the bankruptcy estate.) However, unless and until the trustee abandons the action to the debtor, the trustee is the real party in interest and only the trustee should be permitted to prosecute the action.

Was the trustee even served? Has the debtor contacted the trustee with regard to this lawsuit? How does the trustee want to proceed? Hearing required.

Party Information

Debtor(s):

Claudio Francisco Caringella

Represented By
Benjamin R Heston

Movant(s):

Claudio Francisco Caringella

Represented By
Benjamin R Heston
Benjamin R Heston

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CONT... Claudio Francisco Caringella

Chapter 7

Trustee(s):

Peter J Mastan (TR)

Pro Se

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2:21-17050 Luis Macias

Chapter 7

#2.00 Notice of motion and motion for relief from the automatic stay with supporting declarations REAL PROPERTY RE: 3312 Tecumseh Ave, Lynwood, California 90262

MOVANT: UNITED ASSET MANAGEMENT, LLC.

Docket 13

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant without waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Luis Macias

Represented By
Ethan Kiwhan Chin

Movant(s):

United Asset Management, LLC

Represented By
Erica T Loftis Pacheco

Trustee(s):

Heide Kurtz (TR)

Pro Se

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2:20-20876 Airport Van Rental, Inc., a California corporation

Chapter 11

#3.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: * Andre Holmes vs. Airport Van Rental, Inc.; Docket No. 34-2021-00294981, pending in Sacramento County Superior Court

MOVANT: ANDRE HOLMES

Docket 642

Courtroom Deputy:

ZoomGov Appearance by:

11/15/21 - John Beals

Tentative Ruling:

Grant with waiver of Rule 4001(a)(3). Include in order terms set forth in debtor's notice of nonopposition.

Party Information

Debtor(s):

Airport Van Rental, Inc., a California

Represented By

Zev Shechtman

John N Tedford IV

Michael G D'Alba

Alphamorlai Lamine Kebeh

Movant(s):

Andre Holmes

Represented By

John D Beals

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2:21-14449 Alex A. Khadavi

Chapter 11

#4.00 Notice of motion and motion for relief from automatic stay with supporting declarations ACTION IN NON-BANKRUPTCY FORUM RE: * Simoni vs. Dermatology and Laser Medical Center, Inc. Case Number 20STCV31916 Pending in Superior Court of the State of California, County of Los Angeles

MOVANT: AZITA SIMONI

Docket 101

Courtroom Deputy:

- NONE LISTED -

Tentative Ruling:

Grant with waiver of Rule 4001(a)(3).

Party Information

Debtor(s):

Alex A. Khadavi

Represented By
Michael Jay Berger

Movant(s):

Azita Simoni

Represented By
Sunjay Bhatia

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2:19-16040 Alfredo F Torres

Chapter 7

#5.00 Status Conference re: Debtor's Motion re: Objection to Claim Number 2 by Claimant Vicente Torres.

fr. 11-6-19, 2-11-20, 3-10-20, 5-5-20, 7-14-20, 10-20-20, 11-10-20, 2-23-21, 6-8-21, 9-28-21, 11-9-21

Docket 40

Courtroom Deputy:

ZoomGov Appearance by:

11/15/21 - David Goodrich

11/15/21 - John D Monte

Tentative Ruling:

Deem objections to be an adversary proceeding for procedural purposes and discuss with parties relationship between this proceeding and the pending litigation in LASC. Should that action be removed to bankruptcy court and consolidated with these objections? Should the court grant relief from stay and permit issues to be litigated in state court?

Hearing required.

3/4/20 -- Court approved stipulation continuing status conference to May 5, 2020 at 2:00 p.m. and extending deadline for filing joint status report to April 21, 2020. OFF CALENDAR FOR MARCH 10, 2020.

4/21/20 -- Court approved stipulation continuing status conference to July 14, 2020 at 2:00 p.m. and extending deadline for filing joint status report to June 30, 2020. OFF CALENDAR FOR MAY 5, 2020.

Tentative Ruling for July 14, 2020:

Continue status conference approximately 90 days and order parties to complete a day

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of mediation prior to date of continued status conference.

7/22/20 -- Court approved scheduling order setting following dates:

L/D to file joint status report -- October 6, 2020

L/D to complete mediation -- October 20, 2020

L/D to lodge order appointing mediators -- August 10, 2020

Cont'd status conference -- October 20, 2020 at 2:00 pm

8/10/20 -- Court signed order appointing mediators.

10/5/20 -- Court approved stipulation continuing status conference to November 10, 2020 at 2:00 p.m., extending the deadline to complete mediation to October 26, 2020 and moving the deadline to file a joint status report to October 27, 2020. OFF CALENDAR FOR OCTOBER 20, 2020.

Tentative Ruling for November 10, 2020:

Set discovery cutoff for February of 2021 and final status conference for approximately same time frame. Extend deadline for completion of mediation so that parties can participate in another day of mediation.

11/13/20 -- Court approved scheduling order setting following dates:

Cont'd status conference -- February 23, 2021 at 2:00 p.m.

L/D to file joint status report -- February 9, 2021

L/D to conduct discovery -- February 26, 2021

L/D to complete mediation -- February 23, 2021

Tentative Ruling for February 23, 2021:

Extend discovery cutoff by 60 days. Order the parties to complete a second day of mediation. Set deadline for filing pretrial motions and set pretrial conference.

2/24/21 -- Court approved scheduling order with following dates:

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Cont'd status conference -- May 25, 2021 at 2:00 p.m.

L/D to file pretrial motions -- April 13, 2021

L/D for pretrial motions to be heard -- May 25, 2021 at 2:00 p.m.

L/D to complete discovery -- April 30, 2021

L/D to complete second day of mediation -- May 25, 2021

5/4/21 -- Court approved stipulation continuing hearing to June 8, 2021 at 2:00 p.m.
OFF CALENDAR FOR MAY 25, 2021.

Tentative Ruling for June 8, 2021:

Issue OSC why debtor should not be held in contempt for failing to comply with this Court's February 24, 2021 order directing him to complete a second day of mediation by date of continued status conference.

[Objection to Claim No. 3 resolved (except with regard to amount due) by summary judgment on June 8, 2021.]

6/9/21 -- Court signed scheduling order continuing status conference to September 28, 2021 at 2:00 p.m. and requiring parties to complete a day of mediation by then. Parties are to lodge order appointing mediator by June 21, 2021.

6/23/21 -- Court approved order appointing mediators.

Tentative Ruling for September 28, 2021:

Parties report that mediation was completed, but that matter did not settle at mediation. Court resolved objections to claim no. 3 (secured claim) in order entered June 14, 2021, which granted summary judgment in favor of creditor Teresa Torres, overruling debtor's objection in full; however, that order provides that issues concerning the correct amount of the claim need to be resolved as between the creditor and the chapter 7 trustee. Has any progress been made on this front?

With regard to claim no 2, the following issues remained unresolved as of the last hearing -- whether creditor is entitled to assert a claim for charges incurred on behalf of the business A-1 Sandblasting, and whether creditor is entitled to a 1/3 share profits

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and rents generated by the business/business premises. Parties reported that business was still operating.

In joint status report, parties report that creditor and trustee's counsel are discussing claim amounts for both claims 2 and 3 and are optimistic that they will resolve these issues. If the creditor enters into a compromise on these amounts that is approved by the court, all parties will be bound by this result. Parties also report their belief that trustee plans to sell the real property but that they do not know what the trustee's intention is with regard to the business.

Trustee needs to be involved in this matter. If trustee does not attend status conference, continue status conference for approximately 30 days and enter order directing trustee to attend status conference.

Final Ruling for September 28, 2021:

Continue hearing to November 9, 2021 at 2:00 p.m. Court entered order (on September 29, 2021) directing trustee and/or his counsel to appear at that date and time. By order entered October 26, 2021, court moved date and time of hearing to November 18, 2021 at 10:00 a.m.

Tentative Ruling for November 18, 2021:

See tentative rulings above. What steps is trustee taking to administer the debtor's interest in the business and the real property? Will there be a motion to compromise claim amounts filed shortly? Hearing required.

Party Information

Debtor(s):

Alfredo F Torres

Represented By
Antonio John Ibarra
John D Monte

Movant(s):

Alfredo F Torres

Represented By
Antonio John Ibarra
John D Monte

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Trustee(s):

Wesley H Avery (TR)

Represented By
David M Goodrich

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2:19-14066 David Gomez

Chapter 7

Adv#: 2:19-01221 PEOPLE OF THE STATE OF CALIFORNIA ex rel. ILWU-PMA v. Gomez

#6.00 Status Conference re: Plaintiff's Motion For Summary Judgment

fr. 2-9-21, 11-9-21

Docket 66

Courtroom Deputy:

ZoomGov Appearance by:

11/9/21- Christine Hwang

Tentative Ruling:

Tentative Ruling from February 9, 2021:

Deny motion without prejudice as premature, or continue hearing until state court action has been resolved and debtor's liabilities have been liquidated. Court cannot make a determination that a judgment that has not yet been entered, once entered, will be nondischargeable. Court needs to see what the state court actually decides to ascertain whether or not any judgment for plaintiff that may be produced is nondischargeable. In the alternative, plaintiff could prove up its damages in this adversary proceeding, but plaintiff has not attempted to do so in this motion. At this point, there aren't any debts that can be declared nondischargeable.

Final Ruling for February 9, 2021:

Continue hearing to November 9, 2021 at 2:00 p.m. as a status conference.
(Date later moved by Court to November 18, 2021.)

Tentative Ruling for November 18, 2021:

What if anything has transpired in the plaintiff's nonbankruptcy civil act since the last status conference? Hearing required.

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Chapter 7

Debtor(s):

David Gomez

Represented By
Raj T Wadhvani

Defendant(s):

David Gomez

Represented By
Warren M Stanton

Movant(s):

PEOPLE OF THE STATE OF

Represented By
Michael R Pinkston
Maisie C Sokolove
Christine S Hwang
S Bradley Perkins
Thomas E Fraysse
Elizabeth Medrano
Peter W Saltzman
Justin T Curley
D Ward Kallstrom

ILWU-PMA WELFARE PLAN

Represented By
Michael R Pinkston
Maisie C Sokolove
Christine S Hwang
S Bradley Perkins
Thomas E Fraysse
Elizabeth Medrano
Peter W Saltzman
Justin T Curley
D Ward Kallstrom

Plaintiff(s):

PEOPLE OF THE STATE OF

Represented By
Michael R Pinkston
Maisie C Sokolove
Christine S Hwang

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S Bradley Perkins
Thomas E Fraysse
Elizabeth Medrano
Peter W Saltzman
Justin T Curley
D Ward Kallstrom

ILWU-PMA WELFARE PLAN

Represented By
Michael R Pinkston
Maisie C Sokolove
Christine S Hwang
S Bradley Perkins
Thomas E Fraysse
Elizabeth Medrano
Peter W Saltzman
Justin T Curley
D Ward Kallstrom

Trustee(s):

Peter J Mastan (TR)

Pro Se

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2:19-14066 David Gomez

Chapter 7

Adv#: 2:19-01221 PEOPLE OF THE STATE OF CALIFORNIA ex rel. ILWU-PMA v. Gomez

#7.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)) (68 (Dischargeability - 523(a)(6), willful and malicious injury)) Complaint by PEOPLE OF THE STATE OF CALIFORNIA ex rel. ILWU-PMA WELFARE PLAN, ILWU-PMA WELFARE PLAN against David Gomez

fr. 9-17-19, 11-5-19, 2-11-20, 4-7-20, 7-14-20, 10-20-20, 1-19-21, 2-9-21, 11-9-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

11/9/21- Christine Hwang

Tentative Ruling:

Tentative Ruling for September 17, 2019:

Plaintiff obtained and served alias summons. Response to complaint is not due until September 26, 2019. Continue status conference to November 5, 2019 at 2:00 p.m. APPEARANCES WAIVED ON SEPTEMBER 17, 2019.

Tentative Ruling for November 5, 2019:

A status report is not required when the defendant has not responded to the complaint, and, in any event, counsel should not use Judge Zurzolo's form of status report for this judge. Counsel should also be aware that it is inappropriate for an attorney to file a declaration attesting to his personal knowledge of facts that are not within his personal knowledge. Counsel should have prepared this declaration for his paralegal's signature.

Set deadline for plaintiff to file request for entry of default and motion for entry of default judgment. Continue status conference to coincide with hearing on default judgment motion.

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11/6/19 -- Court entered scheduling order setting status conference for February 11, 2020 at 2:00 p.m. and setting deadline of January 21, 2020 for defendant to file motion to set aside default.

Tentative Ruling for February 11, 2020:

Continue status conference for approximately 90 days. If defendant fails to file response to complaint within time limit set forth in response to motion on calendar as number 207, plaintiffs should take defendant's default, serve and file a motion for default judgment and set it for hearing at same date and time as continued status conference.

Tentative Ruling for April 7, 2020:

At request of parties, continue status conference to July 14, 2020 at 2:00 p.m. Parties should file joint status report not later than June 30, 2020.
APPEARANCES WAIVED ON APRIL 7, 2020.

Tentative Ruling on July 14, 2020:

This action has been pending for a year, and yet the parties have not yet met and conferred in compliance with LBR 7026-1? Court appreciates that parties may wish to avoid costs associated with discovery, but it is time for this matter to either be resolved or to move forward. Set continued status conference. Require parties to complete a day of mediation prior to date of continued status conference. (There are mediators willing to conduct mediations via Zoom.)

Final Ruling from July 14, 2020:

Defendant did not appear at status conference. Court continued status conference to October 20, 2020 at 2:00 p.m. and directed parties to file joint status report by October 6, 2020. Plaintiff should file and serve a notice of the continued status conference.

Tentative Ruling for October 20, 2020:

Is there any difference between the joint status report filed on October 6, 2020 and

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that filed on October 7, 2020?

Chapter 7

Continue status conference to date that can serve as hearing date on motions that plaintiff intends to file.

12/9/20 -- Court approved stipulation continuing hearing to February 9, 2021 at 2:00 p.m. OFF CALENDAR FOR JANUARY 19, 2021.

Tentative Ruling for November 18, 2021:

Revisit status of action after conclusion of hearing on matter no. 6.

Party Information

Debtor(s):

David Gomez

Represented By
Raj T Wadhvani

Defendant(s):

David Gomez

Represented By
Warren M Stanton

Plaintiff(s):

PEOPLE OF THE STATE OF

Represented By
Michael R Pinkston
Maisie C Sokolove
Christine S Hwang
S Bradley Perkins
Thomas E Fraysse
Elizabeth Medrano
Peter W Saltzman
Justin T Curley
D Ward Kallstrom

ILWU-PMA WELFARE PLAN

Represented By
Michael R Pinkston
Maisie C Sokolove
Christine S Hwang

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S Bradley Perkins
Thomas E Fraysse
Elizabeth Medrano
Peter W Saltzman
Justin T Curley
D Ward Kallstrom

Trustee(s):

Peter J Mastan (TR)

Pro Se

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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01142 Southwest Guaranty Investors, Ltd. v. Slotkin

#8.00 Status Conference re: 62 (Dischargeability - 523(a)(2), false pretenses, false representation, actual fraud)), (41 (Objection / revocation of discharge - 727(c),(d),(e))) Complaint by Southwest Guaranty Investors, Ltd. against Mark Abbey Slotkin

fr. 8-25-20, 12-1-20, 4-6-21, 4-27-21, 6-29-21, 11-16-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

11/12/21 - Jeffrey M. Goldman

11/15/21 - Jon freis

Tentative Ruling:

Set discovery cutoff and continue status conference for approximately three to four months.

8/28/20 -- Court signed scheduling order setting discovery cutoff for February 26, 2021.

Tentative Ruling for December 1, 2020:

Are parties requesting extension of February discovery cutoff? Hearing required.

12/4/20 -- Court approved scheduling order setting following dates:

Status conference continued to April 6, 2021 at 2:00 p.m.

L/D to file joint status report -- March 23, 2021

Discovery cutoff extended to July 30, 2021.

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Tentative Ruling for April 6, 2021:

What, if any, progress has been made in this action since the last status conference? Has any discovery been conducted? Hearing required.

Tentative Ruling for April 27, 2021:

Court continued status conference to this date so that dates can be coordinated with status conferences in trustee's adversary proceeding. Continue status conference to date set for continued status conference in trustee's adversary proceeding.

Tentative Ruling for June 29, 2021:

Plaintiff filed a unilateral status report. Where is the declaration that must accompany a unilateral status report pursuant to LBR 7016-1(a)(3)? Hearing required.

7/2/21 -- Court approved scheduling order setting discovery cutoff of November 16, 2021.

Tentative Ruling for November 18, 2021:

Plaintiff reports that discovery has been completed. (Discovery cutoff was November 16, 2021.) Defendant represents that he needs an additional six months. Is plaintiff willing to stipulate to an extension of the discovery cutoff? If not, set deadline for defendant to bring a motion for such an extension.

Hearing required.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen

Defendant(s):

Mark Abbey Slotkin

Represented By

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Jon H Freis

Plaintiff(s):

Southwest Guaranty Investors, Ltd.

Represented By
Hamid R Rafatjoo

Trustee(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol
Jessica Wellington

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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01672 Miller v. SLOTKIN DEFECTIVE TRUST OF DECEMBER 14, 2012 et al

#9.00 Plaintiff's Motion for Partial Summary Judgment

fr. 11-16-21

Docket 143

Courtroom Deputy:

ZoomGov Appearance by:

11/12/21 - Jeffrey M. Goldman

11/15/21 - Jon freis

11/15/21 - Robyn Sokol

11/15/21 - Elissa Miller

Tentative Ruling:

Trustee's Evidentiary Objections to Slotkin's Declaration in Opposition to Motion:

1. Sustain as to first sentence (best evidence). Overrule as to second sentence to the extent that it authenticates Exhibit A. Sustain as to balance (best evidence). Overrule as to third sentence (authenticating Exhibit B). Sustain as to balance of language quoted in objection (best evidence).
2. Overrule to the extent that it authenticates exhibits C and D. Sustain as to balance based on best evidence rule and lack of foundation as to declarant's competence to explain what happened or why in legal proceedings.
3. Sustain to the extent that it is being offered for the truth of statement allegedly made by Mr. Mayman (hearsay). Overrule as to balance.
4. Overrule.
5. Sustain as to first sentence (hearsay). Overrule as to balance.
6. Overule.
7. Overrule. (Fact that testimony may be false is not a basis for objection.)

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8. Overrule.
9. Sustain (improper legal opinion).

Defendants' Evidentiary Objections to Mehra Declaration:

Overrule all objections. Objections of this kind go to weight, not admissibility.
Witness is testifying as to what she has calculated based on the records provided.
Debtor is free to offer contrary evidence, if such evidence exists.

Tentative Ruling on Merits:

Trustee seeks summary judgment on the following claims for relief:
First -- declaratory relief that the assets held by the trusts are assets of the debtor and property of his bankruptcy estate;
Second -- avoidance of actual fraud fraudulent transfers
Third -- avoidance of constructively fraudulent fraudulent transfers
Seventh -- recovery of transfers for the benefit of estate under section 550 & 551
Eighth -- Turnover of estate property

There is no genuine issue that, at all times relevant herein, the debtor has treated the trusts, the LLCs and their assets as his own assets. He is the only party that has exercised control over these entities and assets, even when Marken was purportedly the trustee of the trusts, and he has used these assets as he sees fit for his own personal benefit, paying his personal expenses from the entities, when, how and to the extent that he chooses. The April 1, 2020 statement of decision found that debtor has exercised complete control of all such businesses, their assets and bank accounts, and has used both assets and income from the business as if he had never put them into a trust. In the divorce action, in May of 2020, the Superior Court found that debtor has consistently used the assets of Antiquarian Traders and Olympic Holdings as if they were his personal property and bank accounts rather than the assets of a trust to which he is not a beneficiary.

Debtor has at all times maintained equitable ownership of the assets of the trusts. He has acted as the owner of the trusts and their assets; he dominated and controlled all decisions of the trusts and received benefits from the trusts, including but not limited to unfettered use of the Appian Way

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Property as his home without making any payments for rent, utilities, maintenance or real property taxes, and has used funds generated by the assets of the trusts to pay the vast majority of his living expenses and his legal fees. These assets, therefore, are assets of his bankruptcy estate.

The act of filing a bankruptcy petition creates an estate comprised of all legal or equitable interests of the debtor in property as of the commencement of a case. However, the code excludes from the estate property that contains a restriction on transfer of a beneficial interest of the debtor in a trust that is enforceable under applicable nonbankruptcy law. California law recognizes the existence of spendthrift trusts, but the critical inquiry in determining whether a spendthrift trust is valid under California law is whether the trust's beneficiaries exercise excessive control over the trust. California law does not permit a participant with excessive control over his or her trust to shield that trust with an anti-alienation provision lacking in true substance. Further, California law prohibits a settlor of a spendthrift trust from acting as a beneficiary of that trust to prevent individuals from placing their property beyond the reach of their creditors while at the same time reaping the bounties of such property. See In re Moses, 167 F.3d 470 (9th Cir. 1999) and cases cited therein.

It is against public policy to permit a man to tie up his property in such a way that he can enjoy it but prevent his creditors from reaching it, and where the settlor makes himself the beneficiary of a trust any restraints in the instrument on the involuntary alienation of his interest are invalid and ineffective. Nelson v. California Trust Co., 33 Cal.2d 501 (1949). See also McColgan v. Walter Magee, Inc., 172 Cal. 182 (1916) ("one cannot by disposition of his own property put the same or the income thereof beyond the reach of his creditors so long as he himself retains the right to receive and use it").

It is true that, in this case, the debtor did not make himself the beneficiary or trustee of the trust *on paper*, but the undisputed facts of this case show unequivocally that, in practice, the debtor exercised entirely unfettered control over the assets of the trusts for his own benefit whenever and however he saw fit. Therefore, these equitable rights pass to his bankruptcy estate so that the trust assets may be available for the benefit of his creditors as well. See Askanase v. Livingwell, Inc., 45 F.3d 103 (5th Cir. 1995) (Any legal or

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equitable interest that debtor retains in a trust is property of the estate, including powers that the debtor may exercise for his own benefit. What comes into the estate is not only the property in which the debtor has an interest, but also the powers the debtor can exercise for his own benefit over property regardless of the title the debtor may be acting under.)

In addition, under California law, corporate veils may be pierced and the assets of one entity treated as those of another where two conditions are met: first, where there is such a unity of interest and ownership that the individuality or separateness of the entities has ceased; and, second, where adherence to the fiction of the separate existence of the entities would sanction a fraud or promote injustice. Debtor has never made any distinction between his own expenses and those of the trusts and has used funds generated by trust assets as his own piggy bank to pay whatever expenses he liked for his own benefit. There is no meaningful sense in which any of these entities has an existence separate and apart from the debtor (and his (former?) counsel in oral argument has himself asserted as much in connection with discovery disputes when he thought such an argument would inure to the benefit of his client). And there is no question that adherence to the fiction of a separate existence would sanction a fraud or promote injustice. It is inequitable and a violation of public policy for anyone to transfer all of his assets away and keep only the liabilities all the while retaining all of the benefits of ownership for himself and utilizing the resources of these entities as if no transfers ever occurred. Debtor has always treated the assets of these trusts as his own personal assets. It is therefore appropriate that the bankruptcy court should treat all assets of the trust as assets of the debtor's bankruptcy estate. The trustee's request for summary judgment on her first claim for relief should be granted. Therefore, as the eighth claim for relief merely seeks turnover of all assets of the estate to the trustee, the trustee's request for summary judgment on her eighth claim for relief should be granted as well.

The trustee's motion for summary judgment on the Second, Third and Seventh claims for relief, which are based on fraudulent transfer theories, should be denied. With regard to the request for the avoidance of actual fraud fraudulent transfers, the issue of the debtor's intent at the time of the transfers is disputed and is quintessentially one of fact that the court would

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prefer to resolve through an evidentiary hearing.

With regard to the claim for avoidance of constructively fraudulent fraudulent transfers, the court is not yet ready to conclude that no reasonably equivalent consideration was received for any of the challenged transfers or whether the entity that made the transfer was insolvent at the time of the transfer. Some transfers may have been made as part of 1031 exchanges, may have given rise to enforceable or collectible liabilities or may have been given in exchange for ownership interests in other entities that had valuable assets. The court would need to, and has not yet devoted the resources necessary to, examine each transfer in detail to ascertain whether the relevant showing has been made. Moreover, once all of the assets of the trusts are assets of the debtor's bankruptcy estate in light of the grant of summary judgment on the trustee's first and eighth claims for relief, there may no longer be any reason to avoid certain of the transfers.

As the Seventh claim for relief seeks to avoid for the benefit of the estate transfers challenged in the Second and Third claims for relief, the trustee's request for summary judgment on her Seventh Claim for relief should be denied as well.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen

Defendant(s):

MARK ABBEY SLOTKIN

Represented By
Jon H Freis

748 DETROIT MANOR LLC

Represented By
Jon H Freis

14257 CHANDLER MANOR LLC

Represented By
Jon H Freis

17841 PALORA MANOR LLC

Represented By
Jon H Freis

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Robert Mayman

Pro Se

TO BE NAMED TRUSTEE OF

Represented By
Jon H Freis

TO BE NAMED TRUSTEE OF

Represented By
Jon H Freis

TO BE NAMED TRUSTEE OF

Represented By
Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

SAVANNAH SLOTKIN

Pro Se

INTENTIONALLY DEFECTIVE

Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

Movant(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol

Plaintiff(s):

Elissa Miller

Represented By
Robyn B Sokol

Trustee(s):

Elissa Miller (TR)

Represented By

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Robyn B Sokol
Jessica Wellington

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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01672 Miller v. SLOTKIN DEFECTIVE TRUST OF DECEMBER 14, 2012 et al

#10.00 Defendant's Motion for Summary Judgment, Or in the Alternative, Partial
Summary Judgment

fr. 11-16-21

Docket 137

Courtroom Deputy:

ZoomGov Appearance by:

11/12/21 - Jeffrey M. Goldman

11/15/21 - Jon freis

11/15/21 - Robyn Sokol

11/15/21 - Elissa Miller

Tentative Ruling:

Ruling on Evidentiary Trustee's Evidentiary Objections to Slotkin Declaration:

1. Sustain as to first sentence (best evidence). Overrule as to second sentence to the extent that it authenticates Exhibit A. Sustain as to balance (best evidence). Overrule as to third sentence (authenticating Exhibit B). Sustain as to balance of language quoted in objection (best evidence).
2. Overrule to the extent that it authenticates exhibits C and D. Sustain as to balance (best evidence).
3. Sustain to the extent that it is being offered for the truth of statement allegedly made by Mr. Mayman (hearsay). Overrule as to balance.
4. Overrule.
5. Sustain as to first sentence (hearsay). Overrule as to balance.
6. Overule.
7. Overrule. (Fact that testimony may be false is not a basis for objection.)
8. Overrule.

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9. Sustain (improper legal opinion).

Tentative Ruling on merits:

Defendants (1) SLOTKIN DEFECTIVE TRUST OF DECEMBER 14, 2012;
(2) SLOTKIN DEFECTIVE TRUST OF APRIL 12, 2010;
(3) INTENTIONALLY DEFECTIVE SLOTKIN FAMILY
CHILDREN'S TRUST DATED JANUARY 1, 1997;
(4) 17841 PALORA MANOR LLC,
(5) 14257 CHANDLER MANOR LLC,
(6) 748 DETROIT MANOR LLC; and
(7) MARK ABBEY SLOTKIN

have moved for summary judgment in this action or, in the alternative, partial summary adjudication of plaintiffs' first through eleventh claims for relief.

Debtor has repeatedly asserted that there is no unity of interest as between the debtor, on the one hand, and any of the other defendants, on the other, and that he has never received any compensation or salary for his work as an officer or manager and has never received any of the profits or distributions. However, as this court has explained on numerous occasions, this is not accurate. The debtor lives rent free in a house owned by one of the LLC's that is an asset of one of the trusts for which a reasonable rental value would be \$10,000 to \$11,000 per month. All expenses associated with this house (mortgage, taxes, utilities, maintenance, etc.) have been paid from assets of the trust. All of the furnishings in the home in which the debtor resides are assets of one or more of the LLCs that are assets of the trust. The fact that one or more of the LLCs may also use this house as a showroom or as an office does not mean that the debtor has received nothing by virtue of his being able to live there.

Movants assert further that, although there may have been commingling of funds between the LLCs, there has been no commingling of funds as between the debtor and any of the LLCs. To date, the evidence that has been presented to this court does not support this position. The court has never seen any personal expenses of the debtor paid from any source other than funds from the LLCs. To the contrary, the evidence in the record reflects that credit cards charges paid for by funds from Cruises to Nowhere, Antiquarian and Olympic were used to payfor such personal charges as Netflix, airfare, clothing, gym membership, dry cleaning, doctors, groceries, etc. These are not business expenses of the entities. This are personal expenses of the

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debtor. If debtor disputes that these entities pay his personal expenses, how does the debtor contend he is paying his personal expenses? Does the debtor consider himself to have any personal expenses? He has repeatedly asserted that he is not drawing a salary from any of the entities that are the subject of this action. Is he drawing a salary from anyone? If not, how does he pay his personal expenses?

He is the only decisionmaker for all of these entities. He signs on behalf of all of the entities. He controls all of these entities. When it suits his purpose, he treats the entities as indistinguishable from him. When it doesn't, he asserts that they are separate entities. The state court, for example, found in its May 13, 2020 ruling that the debtor has consistently used the assets of Antiquarian Trafers and Olympic Holdings as if they were his personal property and bank accounts rather than the assets of a trust to which he is not a beneficiary.

According to his schedules, he has no bank account, owns no property, owns no interests in anything and has only a nominal amount of household furnishings and other personal property that he values at \$3,300. His schedule I says he is not employed. He receives his monthly social security of \$1,558 and lists other monthly income of \$5,900 -- gambling winnings of \$4,000 per month, real estate consulting fees of \$1,000 and garage rental of \$400. No one consistently makes money every month by gambling. He shows no rental expense and no owned real estate. How is he making money by renting a garage? For whom is he performing real estate consulting for \$1,000 per month?

This debtor systematically transferred away everything he ever owned of any value, leaving himself with all of the associated tax liability. Not all of the entities are jointly and severally liable for all of the debtor's debts. Whether some or all of these transfers were made with the intent to hinder, delay or defraud creditors is an intentionally factual issue and not one that the court is likely to resolve in the debtor's favor through a motion for summary judgment.

The debtor is correct that alter ego requires two prongs, not only the lack of separateness, but also that fraud or injustice would result if the veil is not pierced. Slotkin argues that this standard has not been met because Abigail Slotkin and Southwest Guaranty already have judgments against the two LLCs with the most holdings. However, that is not the universe of creditors nor the universe of assets

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here. And it is worthy of note that a transfer may be fraudulent not only as against existing creditors but future creditors as well if a debtor engaged in business is left with an unreasonably small capital with which to remain in business. And this debtor left himself with only liabilities and no assets. He intentionally set up trusts that operated in such a way as to place his assets beyond the reach of his creditors and left himself with the liabilities. These are indicia that weigh in favor of the conclusion that such transfers were made with the intent to hinder, delay and defraud creditors. And what about the complexity of the organizational structure itself? Was there a valid, nonfraudulent business reason for a single individual to set up this many entities in this manner or should the creation of this level of complexity itself be seen as evudence if fraudulent intent?

Debtor also argues that he could not have intended to defraud Abigail at the time he set up these trusts because he did not have any debt to her at the time the earlier trusts were set up. The fact that no judgment had yet been rendered in her favor does not mean he was not intending to defraud her by transferring assets out of her reach. Persons who are not yet judgment debtors often take actions intended to prevent persons who may eventually become their creditors from being able to collect any judgments that may later be obtained, and a transfer of that kind is one made with the intent to hinder, delay or defraud creditors. The fact that the debtor may have been trying to take care of his children does not preclude a finding that that he was also trying to keep assets away from a woman would would eventually become his ex-wife.

Deny motion in its entirety.

Party Information

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen

Defendant(s):

Robert Mayman

Pro Se

TO BE NAMED TRUSTEE OF

Represented By
Jon H Freis

748 DETROIT MANOR LLC

Represented By

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	Jon H Freis
14257 CHANDLER MANOR LLC	Represented By Jon H Freis
17841 PALORA MANOR LLC	Represented By Jon H Freis
TO BE NAMED TRUSTEE OF	Represented By Jon H Freis
TO BE NAMED TRUSTEE OF	Represented By Jon H Freis
MARK ABBEY SLOTKIN	Represented By Jon H Freis
LOREN MARKEN AS TRUSTEE	Represented By Jon H Freis
LOREN MARKEN AS TRUSTEE	Represented By Jon H Freis
SAVANNAH SLOTKIN	Pro Se
INTENTIONALLY DEFECTIVE	Represented By Jon H Freis
SLOTKIN DEFECTIVE TRUST OF	Represented By Jon H Freis
SLOTKIN DEFECTIVE TRUST OF	Represented By Jon H Freis
LOREN MARKEN AS TRUSTEE	Represented By Jon H Freis

Movant(s):

MARK ABBEY SLOTKIN	Represented By Jon H Freis
748 DETROIT MANOR LLC	Represented By Jon H Freis

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14257 CHANDLER MANOR LLC Represented By
Jon H Freis

17841 PALORA MANOR LLC Represented By
Jon H Freis

TO BE NAMED TRUSTEE OF Represented By
Jon H Freis

INTENTIONALLY DEFECTIVE Represented By
Jon H Freis

TO BE NAMED TRUSTEE OF Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF Represented By
Jon H Freis

TO BE NAMED TRUSTEE OF Represented By
Jon H Freis

Plaintiff(s):

Elissa Miller Represented By
Robyn B Sokol

Trustee(s):

Elissa Miller (TR) Represented By
Robyn B Sokol
Jessica Wellington

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2:20-12042 Mark Abbey Slotkin

Chapter 7

Adv#: 2:20-01672 Miller v. SLOTKIN DEFECTIVE TRUST OF DECEMBER 14, 2012 et al

#11.00 Status Conference re: 13 (Recovery of money/property - 548 fraudulent transfer)),(14 (Recovery of money/property - other)) Complaint by Elissa Miller against Slotkin Defective Trust of December 14, 2012, Slotkin Defective Trust of April 12, 2010, Intentionally Defective Slotkin Family Children's Trust Dated January 1, 1997, Savannah Slotkin, Loren Marken as Trustee of Slotkin Defective Trust of December 14, 2012, Loren Marken as Trustee of Slotkin Defective Trust of April 12, 2010, Loren Marken as Trustee of the Intentionally Defective Slotkin Family Children's Trust dated January 1, 1997, To Be Named Trustee of Slotkin Defective Trust of April 12, 2010, To Be Named Trustee of Slotkin Defective Trust of December 14, 2012, To Be Named Trustee of Intentionally Defective Slotkin Family Children's Trust Dated January 1, 1997, Robert Mayman, 17841 Palora Manor LLC, 14257 Chandler Manor LLC, 748 Detroit Manor LLC, Mark Abbey Slotkin

fr. 1-26-21, 4-27-21, 6-29-21, 8-26-21, 9-8-21, 11-16-21

Docket 1

Courtroom Deputy:

ZoomGov Appearance by:

11/12/21 - Jeffrey M. Goldman

11/15/21 - Jon freis

11/15/21 - Robyn Sokol

11/15/21 - Elissa Miller

Tentative Ruling:

Revisit status of action after conclusion of hearing on motions for summary judgment.

Party Information

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Chapter 7

Debtor(s):

Mark Abbey Slotkin

Represented By
Leslie A Cohen

Defendant(s):

MARK ABBEY SLOTKIN

Represented By
Jon H Freis

748 DETROIT MANOR LLC

Represented By
Jon H Freis

14257 CHANDLER MANOR LLC

Represented By
Jon H Freis

17841 PALORA MANOR LLC

Represented By
Jon H Freis

Robert Mayman

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TO BE NAMED TRUSTEE OF

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LOREN MARKEN AS TRUSTEE

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Jon H Freis

LOREN MARKEN AS TRUSTEE

Represented By
Jon H Freis

SAVANNAH SLOTKIN

Pro Se

INTENTIONALLY DEFECTIVE

Represented By
Jon H Freis

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CONT... Mark Abbey Slotkin

Chapter 7

SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

SLOTKIN DEFECTIVE TRUST OF

Represented By
Jon H Freis

Plaintiff(s):

Elissa Miller

Represented By
Robyn B Sokol

Trustee(s):

Elissa Miller (TR)

Represented By
Robyn B Sokol
Jessica Wellington

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2:21-18572 Adli Law Group P.C.

Chapter 11

#12.00 Debtors Emergency Motion for Order Authorizing Payment and Honoring of
Prepetition Wages, Employee Benefits, and Related Obligations

Docket 13

Courtroom Deputy:

ZoomGov Appearance by:

11/16/21 - Eryk Escobar

Tentative Ruling:

Exhibit A to the declaration of Ms. Hachem-Sawaya appears to reflect annual salaries, not the amounts currently due for prepetition wages and benefits. Provided debtor supplies schedule of amounts to be paid to its employees, and has properly served emergency motions, authorize debtor to pay prepetition wages and honor prepetition benefits up to an aggregate of priority amount per employee, *excluding insiders*. (Debtor needs to identify which of its employees are insiders.) With regard to insiders, order can provide that, if and when and to the extent that insider compensation has been approved, the debtor is authorized to pay prepetition wages to insiders in accordance with any formula approved through the insider compensation process.

It is unclear to the court the extent to which the debtor is requesting as part of this motion authority to permit any prepetition checks (for wages or anything else) to clear. To the extent that motion seeks such relief, deny motion without prejudice to the debtor's ability to move for authority to make payments on account of prepetition obligations with an adequate explanation of the facts and circumstances and legal authorities that apply to the payments. Debtor must close its bank accounts so that outstanding checks do not clear. To the extent that outstanding checks are for prepetition wages that would otherwise be covered by the preceding paragraph, debtor should issue new checks to accomplish these payments.

Party Information

Debtor(s):

Adli Law Group P.C.

Represented By

**United States Bankruptcy Court
Central District of California
Los Angeles
Judge Sheri Bluebond, Presiding
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Thursday, November 18, 2021

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CONT... Adli Law Group P.C.

Dean G Rallis Jr

Chapter 11

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

**United States Bankruptcy Court
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Los Angeles
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2:21-18572 Adli Law Group P.C.

Chapter 11

#13.00 Debtors Emergency Motion for Order:

- (1) Prohibiting Utility-Service Providers from Altering, Refusing, or Discontinuing Service,
- (2) Deeming Utility-Service Providers Adequately Assured of Payment
- (3) Establishing Procedures for Determining Adequate Assurance of Payment

Docket 14

Courtroom Deputy:

ZoomGov Appearance by:

11/16/21 - Eryk Escobar

Tentative Ruling:

Exhibit B to the declaration is not the list of utilities. It appears to be a list of all monthly expenses, which is confusing. According to the motion, debtor's average monthly utility bills aggregate \$6,000. Is this correct? Confirm with the debtor which of the charges on Exhibit B it seeks to characterize as utilities.

Provided notice to parties in interest was adequate, grant in part and deny in part. Court will set a date for a continued hearing now. Debtor should serve notice of the motion and the continued hearing date on utilities by a date set by the Court. Along with that motion should be a notice setting forth the deposits that the debtor intends to make with regard to each utility. The unpaid prepetition charges or one half of an its monthly average is inappropriate. Debtor should provide a deposit equal to one month's average usage. Notice should be accompanied by payment of the actual deposits themselves. Utilities that do not object by a date certain will be deemed to have agreed to the adequate assurance that the debtor has proposed. If a utility does object, it should be required to specify in writing what it believes the debtor should be required to do in order to provide it with adequate assurance. However, debtor's proposal as to what a utility must do to object is burdensome and inappropriate.

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Chapter 11

Debtor should already have information concerning its payment history. It is sufficient for a utility to object, explain what it wants as adequate assurance and why it believes that additional assurance is necessary. If the parties are unable to resolve the issue consensually, the debtor should file the utility's request and its response by a date certain. Utility should have an opportunity to file a brief on this issue and the Court will resolve the question at the continued hearing. Utility will be precluded from terminating service until the resolution of the dispute.

Party Information

Debtor(s):

Adli Law Group P.C.

Represented By
Dean G Rallis Jr

Trustee(s):

Gregory Kent Jones (TR)

Pro Se

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2:21-18572 Adli Law Group P.C.

Chapter 11

#14.00 Debtors Emergency Motion for Order Extending Deadline to File Schedules,
Statement of Financial Affairs, and Related Documents

Docket 15

Courtroom Deputy:

ZoomGov Appearance by:

11/16/21 - Eryk Escobar

Tentative Ruling:

Provided notice was adequate, grant motion.

Party Information

Debtor(s):

Adli Law Group P.C.

Represented By
Dean G Rallis Jr

Trustee(s):

Gregory Kent Jones (TR)

Pro Se